

REMARKS

This Response is being submitted in response to the Office communication dated September 1, 2009, and further to the Request for Continued Examination and Amendment filed on June 18, 2009.

The September 1, 2009 Office communication indicated that the amendment filed on June 18, 2009 was not fully responsive to the prior Office Action (dated June 23, 2008) because the amendment did not adequately reply to the provisional obviousness-type double patenting rejections. Applicants herein respond to the rejections.

Rejection of claims 1-3 and 21-25 over claims 25-27 of
Application No. 11/915,044

The June 18, 2009, Office Action provisionally rejects claims 1-3 and 21-25 on the ground of obviousness-type double patenting over claims 25-27 of copending Application No. 11/915,044. Applicants respectfully traverse the rejection.

Claims 25-27 of the '044 Application were canceled in the response filed July 22, 2009, thus rendering moot this rejection. Accordingly, Applicants request reconsideration and withdrawal of the rejection.

Rejection of claims 1-3 and 21-25 over claims 1-4, 6-8, 10-12, 14-17 and 19 of Application No. 11/735,309

The June 18, 2009, Office Action provisionally rejects claims 1-3 and 21-25 on the ground of obviousness-type double patenting over claims 1-4, 6-8, 10-12, 14-17 and 19 of copending Application No. 11/735,319. Applicants respectfully traverse the rejection.

Present claim 1 is directed to a product comprising protein immunogenic heterocomplexes consisting of associations between TNF α protein and KLH carrier protein. Claims 2-3 and 21-25 depend from claim 1.

In contrast to the instant claims, claims 1-4, 6-8, 10-12, 14-17 and 19 of the '319 application are directed to a composition comprising inactivated TNF α or inactivated peptides of TNF α . As further developed in the dependent claims, the TNF α can be inactivated by subjecting the TNF α to chemical treatment such as with gluteraldehyde in the presence of carrier protein. The claims of the '319 application, however, fail to teach or suggest an immunogenic product comprising protein heterocomplexes between TNF α protein and KLH carrier protein, and/or covalent linkages to the carrier protein. Chemical treatment can inactivate TNF α but does not require heterocomplex formation.

For at least this reason, claims 1-4, 6-8, 10-12, 14-17 and 19 of the '319 application do not teach or suggest, and would

not have rendered obvious, claims 1-3 and 21-25. Accordingly, Applicants request reconsideration and withdrawal of the rejection.

Entry of the above amendments is earnestly solicited. Applicants respectfully requests that a timely Notice of Allowance be issued in this case.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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